

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23CR80205-RLR

UNITED STATES OF AMERICA                  )  
    )  
    )  
v.    )  
    )  
    )  
MALIK ATKINSON,                            )  
    )  
    )  
Defendant.                                    )  
    )  
\_\_\_\_\_ )

**GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION OF DOWNWARD VARIANCE**

The United States hereby files this response to the Defendant's motion for downward variance (DE 29) and states as follows:

1.       The government opposes any downward variance from the guidelines, as they wholly and appropriately create a sentencing range that is appropriate for the defendant's crimes.
2.       To that end, the applicable sentencing guidelines, section 2G2.1, have not been amended by congress or the United States Sentencing Commission despite opportunity to do so.
3.       The victims' families will speak to the Court and provide context to the defendant's crimes and the defendant at sentencing.
4.       Despite Dr. Rapa's analysis and the defendant's youth, the minimum sentence of 10 years is wholly insensitive to the crimes purported in this case: the defendant sexually assaulted two girls, produced child pornography of them, and solicited countless others.

5. The government will present other arguments *or tenus*.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: s/Gregory Schiller

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 23, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/Gregory Schiller  
Gregory Schiller  
Assistant United States Attorney